



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

[Handwritten signature]

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/590,633 06/08/00 OHLSON

C 1166/61926

EXAMINER

MMC2/0228

IVAN S KAVRUKOV
COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

PORTA, D	
ART UNIT	PAPER NUMBER

2882
DATE MAILED:

02/28/01

[Handwritten mark]

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/590,633

Applicant(s)

OHLSON, CARL-ERIC

Examiner

David P. Porta

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-31 and 44-50 is/are allowed.
- 6) ☒ Claim(s) 32-43 and 51-80 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 08 June 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

Art Unit: 2882

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 80 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 80 is a method claim depending on "the method of claim 52", but claim 52 is not a method claim. It appears that claim 80 should depend on claim 77.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 32-43, and 51-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over McFarland (2,651,725). McFarland discloses a film holder for radiography that can be placed in any of the positions and orientations suggested by applicant's claims. These claims do not require that the image receptor's articulated arm be mounted in one place during each positioning. For example, McFarland's placing of the clamp (29) on legs on either the left or right side of the table would fulfill applicant's claimed requirement that the receptor be able to be placed on either side. It is the limitation found in claim 44, for example, that the articulated structure is "fixed" in

Art Unit: 2882

the course of movement that distinguishes over merely moving the structure to the other side. McFarland do not disclose placing the film "under" the table, but it is clear that such "can be" accomplished with the structure set forth. While McFarland does not disclose the use of electronic imaging (not available in 1953), Official Notice is taken that such was well known at the time of applicant's invention. It would have been obvious to one of ordinary skill in the art to apply the device of McFarland to solid state imaging devices motivated by the inherent benefits of such imaging techniques to real time imaging.

5. Claims 1-31 and 44-50 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art teaches or suggests the specific link and arms of claim 8, or the positioning of the sensor on both sides by "swinging" and a stationary support location for the positions on opposite sides of the patient table.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Plymale discloses a detector that is positionable in a plurality of configurations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David P. Porta whose telephone number is 703-308-4852. The examiner can normally be reached on Mon-Thurs, 6:30-17:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 703-305-3492. The fax phone numbers

Application/Control Number: 09/590,633
Art Unit: 2882

Page 4

for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



David P. Porta
Primary Examiner
Art Unit 2882

DPP
February 26, 2001